

CA NO. 22-50048  
IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

STEVEN DUARTE,

Defendant-Appellant.

DC NO. 2:20-cr-00387-AB-1

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**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE  
APPELLANT'S OPENING BRIEF**

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APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE  
CENTRAL DISTRICT OF CALIFORNIA

HONORABLE ANDRE BIROTTE, JR.  
United States District Judge

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Appellant Steven Duarte respectfully requests a 60-day extension of time, to and including Tuesday, November 22, 2022, to file his opening brief. This request is made under Rule 31 of the Federal Rules of Appellate Procedure and Circuit Rule 31-2.2(b), and is based on the attached declaration of counsel.

Respectfully submitted,

CUAUHTEMOC ORTEGA  
Federal Public Defender

DATED: September 19, 2022

By /s/ Sonam Henderson

SONAM HENDERSON  
Deputy Federal Public Defender  
Attorney for Defendant-Appellant

## **DECLARATION OF SONAM HENDERSON**

I, Sonam Henderson, hereby declare:

I am a Deputy Federal Public Defender in the Central District of California, and am responsible for the preparation of the briefing for appellant Steven Duarte. I request a 60-day extension of time to file his opening brief. The current deadline for filing the brief is Friday, September 23, 2022, and with the requested extension, the brief would be due Tuesday, November 22, 2022.<sup>1</sup> This is my second request for an extension: the brief was originally due August 24, 2022, and I extended that deadline via a streamlined extension. All transcripts have been prepared, and no reporter is in default.

This appeal arises from Mr. Duarte's conviction after trial and sentence on a charge of violating 18 U.S.C. § 922(g). Mr. Duarte is in custody serving his 51-month sentence in this case. The Bureau of Prisons lists his expected release date as June 20, 2024.

While I have begun work on the appeal, even with the exercise of diligence, I will not be able to file the opening brief by the current deadline. This extension request is occasioned in part by my missing almost two full weeks of work due to an illness that affected my entire family. Between my own symptoms, seeking

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<sup>1</sup> I am aware of the time requirement of Circuit Rule 31-2.2(b), and apologize that my request does not meet it. As explained in the text above, I have been out of the office with an illness.

medical care, and caring for my spouse and young children, I was almost completely unable to work. Today is my first day back, and I may still be on a limited schedule because one of my young children remains in isolation and cannot attend school.

Additionally, I have upcoming deadlines in *United States v. De Leon Guerrero*, CA No. 22-10042 (opening brief currently due October 12, 2022); *United States v. Rumbaua Damaso*, CA No. 22-10191 (opening brief currently due November 15, 2022); *United States v. Lucas*, CA No. 22-50064 (reply brief currently due September 30, 2022); *United States v. St. Clair*, CA No. 21-50286 (reply brief currently due October 7, 2022); *United States v. Ceja Medina*, 19-50345 (reply brief due October 14, 2022); and *United States v. Elmezayan*, CA No. 21-50057 (reply brief due November 9, 2022). I am also responsible in the coming weeks for a training session for new trial lawyers, and for advising trial teams about legal issues related to upcoming trials.

The requested time will allow me to undertake the work necessary to complete the briefing in this case while also fulfilling my other responsibilities. I have been diligent in this case, and I expect to file the brief by the requested date.

I have consulted by email with Assistant United States Attorney Juan Rodriguez, counsel for the government in this case. He has informed me that the government has no objection to this request.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on September 19, 2022, in Altadena, California.

By /s/ Sonam Henderson

SONAM HENDERSON

Deputy Federal Public Defender